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OFFICIAL**DATE:** January 8, 2004**PTO IDENTIFIER:** Application Number 09/892227-Conf #7548
Patent Number**Inventor:** Hermann Bujard et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** LAHIVE & COCKFIELD, LLP

DeAnn F. Smith

PHONE: (617) 227-7400**Attorney Dkt. #:** BBI-013C2CN2**PAGES (Including Cover Sheet):** 5**CONTENTS:** Transmittal (1 page);
Certificate of Transmission under 37 CFR 1.8 (1 page); and
Supplemental Response (2 pages).

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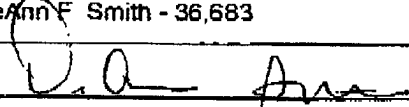
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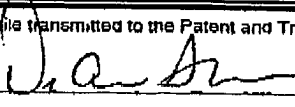
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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/892227-Conf. #7548
		Filing Date	June 25, 2001
		First Named Inventor	Hermann Bujard
		Art Unit	1632
		Examiner Name	Peter Paras, Jr.
Total Number of Pages in This Submission	1	Attorney Docket Number	BBJ-013C2CN2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit(s)/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below)
<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> Remarks </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	LAHIVE & COCKFIELD, LLP DeAnn F. Smith - 36,683
Signature	
Date	January 8, 2004

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USSN 09/892227

Group Art Unit: 1632

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the application of: Hermann Bujard *et al.*

Serial No.: 09/892227

Filed: June 25, 2001

For: *Transgenic Organisms Having Tetracycline-
Regulated Transcriptional Regulatory Systems*

Attorney Docket No.: BBI-013C2CN2

Group Art Unit: 1632

Examiner: Peter Paras, Jr.

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
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(DeAnn F. Smith)

SUPPLEMENTAL RESPONSE

Dear Sir:

This Supplemental Response is submitted in response to the Office Communication mailed December 8, 2003. Applicant provides the following Supplemental Response in addition to the Amendment and Response which was filed on September 17, 2003.

USSN 09/892227

Group Art Unit: 1632

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Rejection of Claims 23-40 Under the Judicially Created Doctrine of Obviousness-Type
Double-Patenting

Claims 23-34 have been rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 5,859,310. Applicants will submit an executed terminal disclaimer upon indication that the pending claims are allowable.

CONCLUSION

In view of the foregoing remarks, reconsideration of the rejections and allowance of all pending claims is respectfully requested.

If a telephone conversation with Applicants' attorney would expedite the prosecution of the above-identified application, the examiner is urged to call Applicants' attorney at (617) 227-7400.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP



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Date: January 8, 2004